

Docket No.: 3225-067

PATENT

AF  
2700  
#11  
11/13/03  
AU

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Inde Application of

Eugene BETZ et al

: Confirmation No. 9285

U.S. Patent Application No. 09/472,852

: Group Art Unit: 2177

Filed: December 28, 1999

: Examiner: S. Channavajjala

For: A METHOD OF AND APPARATUS FOR DOCUMENTING AN ELECTRONIC AND/OR PHYSICAL FOOTPRINT OF AN ENGAGEMENT PROCESS USED IN A DATA WAREHOUSE ENVIRONMENT

TRANSMITTAL OF SUBSTITUTE APPEAL BRIEF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

NOV 10 2003

Sir:

Submitted herewith in triplicate is a Substitute Appeal Brief in support of the Notice of Appeal filed August 6, 2003, and in response to the October 23, 2003 Notice of Non-Compliance.

The required fees under 37 CFR 1,17 (f) have been previously paid.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

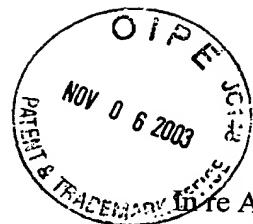
Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

  
Henry M. Zykorie  
Registration No. 27,477

USPTO Customer No. 22429  
1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111KMB/HMZ/iyr  
(703) 518-5499 Facsimile  
Date: November 6, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES



In re Application of

Eugene BETZ et al

: Confirmation No. 9285

U.S. Patent Application No. 09/472,852

: Group Art Unit: 2177

Filed: December 28, 1999

: Examiner: S. Channavajjala

For: A METHOD OF AND APPARATUS FOR DOCUMENTING AN ELECTRONIC  
AND/OR PHYSICAL FOOTPRINT OF AN ENGAGEMENT PROCESS USED IN A  
DATA WAREHOUSE ENVIRONMENT

**RECEIVED**

NOV 10 2003

Technology Center 2100

Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

**SUBSTITUTE APPELLANT'S BRIEF (37 C.F.R. § 1.192)**

This brief is in furtherance of the Notice of Appeal, filed in this case on August 6, 2003 and in response to the October 23, 2003 Notice of Non-Compliance.

The required fees under 37 CFR 1,17 (f) have been previously paid.

This brief is transmitted in triplicate.

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. § 1.192(c)):

- I. Real Party in Interest.
- II. Related Appeals and Interferences.
- III. Status of Claims.
- IV. Status of Amendments.
- V. Summary of Invention.
- VI. Issues.
- VII. Grouping of Claims.
- VIII. Arguments.
- IX. Appendix.
- X. Conclusion.

**RECEIVED**

NOV 10 2003

Technology Center 2100

The final page of this brief bears the attorney's signature.

**I. REAL PARTY IN INTEREST**

The real party in interest is the NCR Corporation, a corporation of the State of Maryland, having its principal place of business in Dayton, Ohio.

**II. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or Interferences known to the Appellant, Appellant's legal representative, or Assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**RECEIVED**

NOV 10 2003

**III. STATUS OF CLAIMS**

Technology Center 2100

Claims 1-21 are pending and claims 1-21 are on appeal.

**IV. STATUS OF AMENDMENTS**

No amendments have been filed subsequent to the March 7, 2003 Final Office Action.

**V. SUMMARY OF INVENTION**

The present invention provides a method and apparatus for capturing and recording changes made to an electronic and/or physical footprint during a data warehouse engagement.

More particularly, the present invention provides a document customizer for establishing a system of record documents defining the system parameters of the data warehouse and recording the footprint and associated changes or content and process as a data warehouse professional interacts with a customer.

In detail, Figure 1 is a block diagram of an exemplary computer network in which an embodiment of the present invention may be implemented. The corresponding description thereof is contained in the section of the Specification beginning on line 12 of Page 7 thereof and ending on line 17 of Page 10 thereof.

Figure 2 illustrates the logical architecture of a document customizer program in accordance with the present invention and Figures 4 and 5 are flowcharts of the sequencer involved in using the document customizer in accordance with the present invention and the sequencer involved in generating a customized document using the document customizer in accordance with the present invention.

The corresponding description of Figure 2 begins on line 17 of Page 10 of the specification and ends on line 2 of Page 14 thereof. The corresponding description of Figure 4 begins on line 21 of Page 15 of the specification and ends on line 18 of Page 18 thereof. Lastly, the corresponding description of Figure 5 begins on line 19 of Page 18 of the specification and ends on line three of Page 20 thereof.

## VI. ISSUES

Claims 1-21 have been rejected under 35 USC 103 as unpatentable over Mukhopadhyay et al. in view of Bair et al. for the reasons stated in sections 7-25 on pages 3-8 of the Final Office Action.

Accordingly, an issue on appeal is whether it would be obvious to combine the features of the two cited references in the fashion noted by the Examiner and whether the resultant combination meets all of the recited limitations of the rejected claims.

## VII. GROUPING OF CLAIMS

The Examiner, in rejecting claims 1-21, has grouped the claims as follows: claim 1, claim 2, claim 3, claim 4, claims 5 and 9-10, claim 6, claims 7-8, claim 11, claim 12, claim 13, claim 14, claim 15, claims 16, claims 17, claim 18, claim 19, claim 20, and claim 21.

Since the Examiner has previously grouped the claims in the fashion noted above, for the sake of consistency, the Appellant will follow the Examiner's groupings. That is, claims 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 do not stand or fall together; claims 9 and 10 stand or fall together and claims 7-8 stand or fall together.

## VIII. ARGUMENTS

With regard to claim 1, the Examiner alleges that Mukhopadhyay teaches all of the recited features except for generating a user customized document (and cites specific sections thereof). The Examiner then further alleges that Bair teaches the feature deficient in Mukhopadhyay. The Examiner that argues that it would be obvious to combine the features of the two references "because they both are directed to data storing in one or more databases". The Examiner further argues that it would be obvious to combine the references because "that would have allowed users of Mukhopadhyay's capturing and propagating changes from an operational database to data marts to control which relative combinations of individual patient's database satisfies his or her needs as suggested by Bair et al."

Appellants disagree with the Examiner's allegations that the specifically cited sections of Mukhopadhyay and Bair teach all of the recited features of the present invention. For example, the Examiner alleges that lines 41-46 of column 3 of Bair teach the feature deficient in Mukhopadhyay, namely, generating a user customized document.

However, the cited portion of Bair merely states: "These rules are set at the host site and are fixed unless the host management makes a determination that a rule needs to be changed. Such a determination may be based, for example, on the results of statistics gathered from a plurality of provider sites or a change in a plan governing a particular set of patients."

Thus, there is no teaching or suggestion or consideration of generating a user customized document. Rather, the cited portion of Bair merely teaches that a host management may change a rule with regard to a particular set of patients in response to various information gathered by the host management.

Furthermore, the fact that both the references are directed to data storing in one or more databases does not result in the conclusion that it would be obvious to combine the references. The fact that two references are in the same or analogous fields is a requirement in combining references under 35 USC 103 but is not a reason for combining references.

In addition, Bair does not change individual patient's databases but rather allows a host management to change a rule with regard to a particular set of patients, as noted above. Accordingly, it would not be obvious to combine the references in the fashion noted by the Examiner but rather they Examiner has made a hindsight attempt to utilize the teachings of the present application to combine references in a nonobvious fashion to produce a combination which purportedly meets the recited limitations of the rejected claims.

With regard to claim 2, the cited portions of Bair do not teach or suggest presenting a predefined sequence of queries for the discovery information defining data and sources of the data for a data warehouse or data marts to the user as recited in claim 2.

As to claim 3, the cited portion of Bair does not teach or suggest generating an exception when the user and is a query out-of-sequence with a predefined sequence of queries and thereby creates at least one unanswered query and storing the exception in an exception table on associating the exception with the at least one unanswered query as recited in claim 3. Rather, the cited portion of Bair merely indicates how well questions are answered and further indicates that there is a Does Not Apply button which may be used when a question does not apply.

With regard to claim 4, the cited portion of Bair does not teach or suggest a system which presents a list of exceptions and associated unanswered query as to the user to inform the user of the need to collect further discovery information and record the further discovery information in the SOR database as recited in claim 4. Rather, the cited portion of Bair merely indicates that a warning is provided if the selected questionnaire is not part of the approved

treatment plan and further indicates that if none of the questionnaire is in the database are considered adequate, a new questionnaire may be created entirely or edited from a version of an existing questionnaire that approximates that which the therapist desires.

As to claims 5 and 9-10, the cited portions of Bair do not teach or suggest the features recited in the rejected claims. That is, as noted above, Bair does not teach or suggest generating a user customized document nor does it teach or suggest customizing an order of presentation and an output format of the visualized extracted portion residing in the workplace as recited in the rejected claims. Rather, it merely teaches that a new questionnaire format may be provided.

In a similar fashion, the cited portions of Bair and Mukhopadhyay do not teach or suggest the recited features of claims 6-8 and 11-21. That is, the portions of Bair cited in sections 13, 14, 16, 17, 18, 19, 23, 24, and 25 of the Final Office Action do not teach or suggest the recited limitations of claims 6, 7-8, 12, 13, 14, 15, 19, 20, or 21. Furthermore, the portions of Mukhopadhyay cited in sections 15, 20, 21, and 22 do not teach or suggest the recited limitations of claims 11, 16, 17, or 18.

Furthermore, the Examiner has responded to the previous arguments of the Appellants on pages 9-11 of the Final Office Action.

More particularly, with regard to claim 1, the Examiner has argued that a customized document corresponds to individual patient's electronic chart or record or document. Appellants disagree in that claim 1 recites generating a user customized document incorporating at least a portion of the discovery information recorded in the SOR database. The discovery information is recited to include soliciting a user for data discovery information and documenting the discovery information collected from the user. This does not correspond to patients electronic chart or record or document.

In a similar fashion, Appellants disagree with the Examiner's arguments with regard to claims 2, 3, 4, 5, and 9-10. That is, for example, claim 2 recites presenting a predefined sequence software ease to the user and then associating user provide answers to the queries. This is not the same as having a predetermined sequence of entering data to the patient information database.

**IX. APPENDIX.**

Attached is a copy of claims 1-21 on appeal.

**X. CONCLUSION.**

In view of the above, it is submitted that the Examiner's rejection of claims 1-21 on appeal is improper and should be reversed.

If for any reason this Appeal Brief is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned, Applicant's attorney of record.

A credit card authorization form in the amount of \$330.00 is attached.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP



Henry M. Zykorie  
Registration No. 27, 477

1700 Diagonal Road, Suite 310  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile:  
Date: November 6, 2003



## APPENDIX

1. A computer implemented method of capturing and recording changes to an electronic data warehouse or data mart, comprising:

soliciting a user for data discovery information defining data and sources of the data for a data warehouse or data mart;

documenting at least a portion of the data warehouse or data mart in an SOR (System of Record) document using the discovery information collected from the user as a result of said soliciting step; and

generating a user customized document incorporating at least a portion of the discovery information recorded in the SOR database.

2. The method of claim 1, further comprising the steps of :

presenting a predefined sequence of queries for the discovery information to the user based on a set of predefined templates stored in the SOR database; and

associating user provided answers to the queries with respective ones of the templates.

3. The method of claim 2, further comprising the steps of :

generating an exception when the user answers a query out-of-sequence with the predefined sequence of queries and thereby creates at least one unanswered query; and

storing the exception in an exception table and associating the exception with the at least one unanswered query.

4. The method of claim 3, further comprising the step of presenting a list of exceptions and associated unanswered queries to the user, to thereby inform the user of the need to collect further discovery information and record the further discovery information in the SOR database.

U.S. Application No. 09/472,852

5. The method of claim 1, wherein said step of generating a customized document includes the further steps of:

extracting a selected portion of the SOR database from the SOR database and storing the extracted portion in a computer memory workspace;

visualizing the extracted portion residing in the workspace on a computer display; and

customizing an order of presentation and an output format of the visualized, extracted portion residing in the workspace.

6. The method of claim 5, wherein the SOR database includes templates wherein said generating step includes the further steps of:

presenting a list of the SOR templates to the user;

selecting one or more of the SOR templates from the list of SOR templates; and

extracting the selected templates and associated discovery information from the SOR database to establish the extracted portion of the SOR database in the workspace.

7. The method of claim 6, wherein the SOR database includes predefined output formats associated with generating the customized document, and wherein said generating step includes the further step of formatting the extracted portion in accordance with the output formats.

8. The method of claim 7, further comprising the steps of :

presenting a list of the output formats to the user;

selecting one or more of the output formats from the list of output formats; and

associating the selected output formats with a portion of the extracted portion of the SOR database in the workspace.

U.S. Application No. 09/472,852

9. The method of claim 8, wherein said associating step includes the step of selecting a visualized portion of the extracted portion of the SOR database, the selected, visualized portion being associated with one of the selected output formats.

10. The method of claim 5, wherein said customizing step includes the step of rearranging the order of visualized portions of the extracted portion of the SOR database residing in the workspace.

11. The method of claim 1, wherein the discovery information included in the SOR document includes at least one of:

names of source databases and source files providing a source of data to the data warehouse;

descriptions of the source databases and files;

logical data models for the source databases and files and for the data residing in the databases and files;

locations of the source databases and files including an identifier of the type of device wherein the source database and files reside and geographical locations of the devices;

names and contact information relating to administrators of the source databases and files;

updating frequency of the source databases and files;

data transferring methods and frequencies for the source databases and files;

volatility rules for the data in the source databases and files; and

business rationales for using the data from the source databases and files in the data warehouse.

12. The method of claim 1, further comprising the steps of :  
importing discovery information, in the form of at least one of data files and  
multimedia data, from sources external to the computer into a memory of the computer;  
and  
linking the imported discovery information to related discovery information in the  
SOR database, whereby the imported discovery information is accessible to the user with  
the related discovery information;
13. The method of claim 1, further comprising the step of recording configuration  
control information in the SOR database each time the SOR database is updated with  
discovery information.
14. The method of claim 1, further comprising the step of uploading the SOR  
database to a database residing in a network accessible computer.
15. The method of claim 1, wherein the SOR database includes an SOR  
document that defines the starting system parameters of the data warehouse.
16. The method of claim 15, wherein the starting system parameters include a  
logical data model, a physical data model, Metadata and system configuration templates.
17. The method of claim 1, further comprising updating the SOR database  
including modifications to the data warehouse.
18. The method of claim 1, further comprising synchronizing the SOR document  
with a centralized SOR database.
19. The method of claim 1, further comprising inputting data discovery  
information either manually or automatically.

20. The method of claim 19, wherein the discovery information includes at least one of text, audio, images and video.

21. The method of claim 1, wherein the customized document includes at least one of text, audio, images and video.